

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

SEP 19 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY ruh DEPUTY

CHICKASAW NATION and)
CHOCTAW NATION OF OKLAHOMA,)
)
Plaintiffs,)
)
vs.)
)
MARY FALLIN, in her official capacity)
as Governor of the State of Oklahoma,)
et al.,)
Defendants.)

No. CIV-11-927-W

ORDER

Upon review of the record, including the parties' Joint Status Report [Doc. 114] filed on September 17, 2012, the Court

(1) GRANTS the parties' Joint Motion for a Further 60-Day Stay of this Action [Doc. 114] filed on September 17, 2012;

(2) hereby EXTENDS the stay in this matter until November 19, 2012;

(3) ORDERS that the stay shall include a stay of the following:


(a) the parties' obligation to file a memorandum regarding consolidation of this matter with Oklahoma Water Resources Board v. United States, No. CIV-12-275-W, see Doc. 96; and

(b) any further action on (i) the Motion to Dismiss [Doc. 66] filed by defendant Oklahoma Water Resources Board pursuant to Rules 12(b)(1), 12(b)(7), and 19, F.R.Civ.P.; (ii) the Motion to Dismiss Second Amended Complaint for Lack of Jurisdiction or, Alternatively, on Abstention Grounds [Doc. 68] filed pursuant to Rule 12(b)(1), supra, by defendant Mary Fallin, in her official capacity as Governor of the State of Oklahoma; (iii)

the Motion for Partial Summary Judgment [Doc. 72] filed pursuant to Rule 56, F.R.Civ.P., by plaintiffs Chickasaw Nation and Choctaw Nation of Oklahoma; and (iv) the Amended Motion to Stay Briefing on Motion for Partial Summary Judgment and Motion for Enlargement of Time [Doc. 76] filed pursuant to Rule 56(d), F.R.Civ.P., by defendants Mary Fallin, in her official capacity as Governor of the State of Oklahoma, J. D. Strong, in his official capacity as Executive Director of the Oklahoma Water Resources Board, and Rudolf John Herrmann, Tom Buchanan, Linda Lambert, Ford Drummond, Ed Fite, Marilyn Feaver, Kenneth K. Knowles, Richard Sevenoaks and Joe Taron, all in their official capacity as members of the Oklahoma Water Resources Board and the Joinder in the State Defendants' Motion to Stay Briefing and Motion for Extension of Time [Doc. 77] filed by defendants City of Oklahoma City and Oklahoma City Water Utilities Trust; and

(4) ORDERS the parties to this action to submit a Joint Status Report on the progress of the parties' mediation on or before November 19, 2012, and to report to this Court by such date whether an extension of the stay ordered herein is warranted and would be beneficial to the mediation, and if so, the additional period of time requested.

ENTERED this 19th day of September, 2012.


LEE R. WEST
UNITED STATES DISTRICT JUDGE